

Senate File 298 - Introduced

SENATE FILE 298

BY LOFGREN

A BILL FOR

1 An Act relating to the burden of proof in certain judicial
2 proceedings involving school boards and rules adopted by the
3 department of education.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 274.3, Code 2019, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. Notwithstanding section 17A.19,
4 subsection 8, paragraph "a", in any proceeding initiated by the
5 board of directors of a school district for judicial review
6 of a rule adopted by the department of education pursuant to
7 chapter 17A or any proceeding for enforcement of such a rule
8 against the board of directors of a school district initiated
9 by the department, the burden of proof shall be on the
10 department to establish that the rule is explicitly authorized
11 by the laws of the general assembly. Notwithstanding section
12 17A.19, subsection 8, paragraph "a", if the court determines
13 that the rule is not explicitly authorized by the laws of
14 the general assembly, the burden of proof shall be on the
15 department in regard to any of the grounds specified in section
16 17A.19, subsection 10, that are alleged by the board in the
17 proceeding.

18 EXPLANATION

19 The inclusion of this explanation does not constitute agreement with
20 the explanation's substance by the members of the general assembly.

21 This bill provides that in any proceeding initiated by a
22 school board for judicial review of a rule adopted by the
23 department of education or any proceeding for enforcement of
24 such a rule against a school board initiated by the department,
25 the burden of proof shall be on the department to establish
26 that the rule is explicitly authorized by the laws of the
27 general assembly. If the court determines that the rule is
28 not explicitly authorized by the laws of the general assembly,
29 the bill provides that the burden of proof shall be on the
30 department in regard to any of the legal grounds authorized
31 by the Iowa administrative procedure Act that are alleged by
32 the school board in the proceeding. These provisions apply
33 notwithstanding language in the Iowa administrative procedure
34 Act that specifies that the burden of proof in such proceedings
35 is on a party asserting invalidity of agency action.